

assembly with a customer selected one of the beverage container queues. The "materially different apparatus" suggested by the Examiner makes no mention of how a robotic assembly and selection structure would be incorporated in the alternative structure. Claim 1 also calls for "transferring one of the beverage containers from the selected container queue to the robotic assembly". In the alternative apparatus suggested by the Examiner, there would not appear to be any such transfer of a beverage container to a robotic assembly, but merely moving the beverage container to the sloped channel or guide, which certainly is not a robotic assembly as contemplated by the present invention. Accordingly, Applicants contend that the Group I method claims and the Group II apparatus claims are related to the same invention and are not "distinct" within the meaning of 35 U.S.C. § 121.

In view of the above, Applicants respectfully request withdrawal of the restriction requirement and passage of all claims in the application on to examination.

If the Examiner has any questions regarding this Response, or wishes to discuss Applicants' comments in more detail, he is respectfully requested to telephone Applicants' undersigned attorney Charles E. Golla at 612/336-4786 for the purposes of such discussion.

Respectfully submitted,

May 13, 1999
Date

Charles E. Golla
Charles E. Golla
REG. NO. 26,896
MERCHANT, GOULD, SMITH
EDELL, WELTER & SCHMIDT, P.A.
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4131
(612) 336-4786